

Palm Beach County, Florida VEHICLE FOR HIRE ORDINANCE

2008- 043

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ORDINANCE NO. 2008- 043

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 01-015); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; PROVIDING FOR SHORT TITLE AND APPLICABILITY; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR COMPLIANCE; PROVIDING FOR ADVERTISING; PROVIDING FOR MUNICIPAL EXEMPTION; PROVIDING FOR RECIPROCITY; PROVIDING FOR BUSINESS PERMIT APPLICATION; PROVIDING FOR RECORDS REQUIRED; PROVIDING FOR VEHICLE REQUIREMENTS; PROVIDING FOR VEHICLE DECAL REQUIREMENTS; PROVIDING FOR IMPOUNDMENT; PROVIDING FOR VEHICLE SAFETY AND APPEARANCE REQUIREMENTS; PROVIDING FOR OPERATIONAL REQUIREMENTS FOR NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION SERVICE COMPANIES; PROVIDING FOR VEHICLE INSPECTIONS; PROVIDING FOR COMMERCIAL AUTOMOBILE LIABILITY INSURANCE; PROVIDING FOR DRIVER REQUIREMENTS AND FAILURE TO COMPLY; PROVIDING FOR FRAUDULENT TRANSFER OF VEHICLE FOR HIRE COMPANY; PROVIDING FOR REVOCATIONS, SUSPENSIONS AND DENIAL OF PERMITS/I.D. BADGES AND ADMINISTRATIVE APPEALS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR VIOLATIONS; PROVIDING FOR APPEALS; PROVIDING FOR FEES; PROVIDING FOR PENALTIES; PROVIDING FOR START-UP; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING A SAVING CLAUSE; PROVIDING JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, all motor vehicles engaged in the transportation of persons for compensation in the unincorporated area of Palm Beach County, as well as many municipalities, may not be subject to reasonable regulations necessary to protect those

1 citizens and visitors utilizing their services; and

2 **WHEREAS**, Florida Statutes, Section 125.01(n) authorizes Palm Beach County
3 to license and regulate taxicabs, limousines for hire, and other passenger vehicles for hire
4 that operate in the unincorporated areas of the County; and

5 **WHEREAS**, in 1992 Palm Beach County recognized that the public safety and
6 welfare of its residents and visitors could be best served by regulating the transportation
7 industry and adopted Chapter 19, Article IX of the Palm Beach County Code (Ord. No.
8 92-26); and

9 **WHEREAS**, in 1999 and 2001 Palm Beach County amended Chapter 19, Article
10 IX of the Palm Beach County Code (Ordinance No. 92-26); and

11 **WHEREAS**, it is now necessary to amend Chapter 19, Article IX (Ord. 99-12) of
12 the Palm Beach County Code to address additional concerns regarding the transportation
13 industry.

14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
15 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

16
17 **Section 1. Short Title; Applicability**

18 (1) This Ordinance shall be known as the "Palm Beach County Vehicle for Hire
19 Ordinance".

20 (2) Unless a municipal exemption applies; the provisions of this Ordinance shall be
21 applicable to the incorporated and unincorporated areas of Palm Beach County. Unless
22 otherwise provided, nothing in this Ordinance shall be construed to relieve any person
23 from compliance with any applicable County or municipal regulations.

24

25 **Section 2. Authority**

26 This Ordinance is adopted under the authority of Chapter 125, Florida Statutes.

27

28 **Section 3. Definitions**

29 The following words and phrases when used in this Ordinance shall have the meanings as
30 set out herein:

1 (1) **Advertising.** The term "Advertising" shall mean to advise, announce, give notice
2 of, publish, or call attention by use of oral, written, or graphic statements made in
3 newspapers, telephone directories or other publications or on radio or television, any
4 electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign,
5 flyer, business card or letter.

6 (2) **Applicant.** The term "Applicant" shall mean any person who applies for a
7 vehicle for hire business permit or driver's I.D. badge within Palm Beach County. In the
8 case of partnerships, associations, corporations and other legal entities, "applicant" shall
9 also mean any member of a partnership, each associate and the corporate officers and
10 directors.

11 (3) **Board.** The term "Board" shall mean the Palm Beach County Board of County
12 Commissioners.

13 (4) **Broker.** The term "Broker" shall mean a person who acts as an agent, whether
14 independently or on behalf of, any vehicle for hire company in negotiating or contracting
15 for passenger transportation.

16 (5) **Business Permit.** The term "Business Permit" shall mean the authority required
17 by the provisions of this Ordinance to be obtained by any individual or vehicle for hire
18 company not subject to reciprocity, to engage in vehicle for hire business in Palm Beach
19 County.

20 (6) **Compensation.** The term "Compensation" shall mean a return in money,
21 property, or anything of value for the rendition of vehicle for hire service.

22 (7) **Commercial Business Office.** The term "Commercial Business Office" shall
23 mean the primary place of business where management and employees perform office
24 work for a vehicle for hire company and which shall meet the following requirements: a)
25 properly zoned, b) customer/employee parking, c) sufficient commercial vehicle parking,
26 d) sanitary facilities/restrooms, e) dedicated wired phone line with a unique/dedicated
27 number, f) identifying signage, and g) central dispatch. The address of the commercial
28 business office must match the address on the local business tax receipt.

29 (8) **County Permit.** The term "County Permit" shall mean the grant by Palm Beach
30 County to operate one (1) vehicle for hire not subject to reciprocity, upon the streets of

1 Palm Beach County.

2 (9) **Division or DCA.** The term "Division" or "DCA" shall mean the Palm Beach
3 County Division of Consumer Affairs.

4 (10) **Driver.** The term "Driver" shall mean the individual who is driving or physically
5 operating the taxicab, limousine, shuttle, or other passenger vehicle for hire and includes
6 the term "chauffeur."

7 (11) **Individual.** The term "Individual" includes a natural person, partnership,
8 corporation, association, or any other legal entity.

9 (12) **Limousine.** The term "Limousine" shall mean a chauffeur-driven motor vehicle,
10 modified-for-the-purpose as a luxury stretch vehicle, regardless of length and which
11 contains a fixed partition used to separate the driver and passenger seating areas. A
12 limousine is prohibited from using a taximeter and toplight unless it is being used as a
13 taxicab.

14 (13) **Manifest.** The term "Manifest" shall mean written or electronic/digital
15 documentation prepared by the vehicle for hire business providing individual trip logs for
16 each pickup/drop-off of passengers that can be viewed upon request by authorized DCA
17 personnel or law enforcement officers. The "manifest" shall be in the possession of the
18 vehicle for hire driver and central dispatch and shall include the business name, business
19 phone number, name of the passenger (if provided known), pickup/drop-off address and
20 dates/times involved.

21 (14) **Municipal Exemption.** The term "Municipal Exemption" shall mean the
22 recognition by Palm Beach County of certain vehicle for hire businesses authorized to
23 operate through municipal ordinances and which may be exempt from paying certain fees
24 required by Palm Beach County as determined by resolution of the Board. In order to
25 exercise this exemption, such businesses must be physically located, operating and
26 dispatching within the city limits of the Palm Beach County municipality approving the
27 business to operate. Such exempt businesses must meet all other requirements of this
28 Ordinance.

29 (15) **Non-Medical, Wheelchair and Stretcher Transportation Service.** The term
30 "Non-Medical, Wheelchair and Stretcher Transportation Service" shall mean the

1 transportation of persons while on stretchers or wheelchairs, or persons whose handicap,
2 illness, injury, or other incapacitation makes it impractical to be transported by a regular
3 common carrier such as a bus, taxicab, or other vehicle for hire. Such persons do not
4 need, nor are likely to need, any medical attention during transport.

5 (16) **Passenger.** The term "Passenger" shall mean a person utilizing a vehicle for hire
6 for the purpose of being transported to a destination, or a person who is awaiting the
7 arrival of a dispatched vehicle for hire, and does not include the chauffeur.

8 (17) **Prearranged.** The term "Prearranged" shall mean a written, e-mail, fax or
9 telephone reservation made at least 30-minutes in advance by the person requesting
10 service from a vehicle for hire business. Such reservations shall be documented in written
11 form by the business. The written documentation requested herein shall be made
12 available immediately upon the request of authorized Division personnel or law
13 enforcement. The 30-minute advance requirement does not apply to companies with
14 authorized vehicle for hire contracts with Palm Beach International Airport and other
15 businesses that provide vehicle for hire services by contract.

16 (18) **Residential Home Office.** The term "Residential Home Office" shall mean a
17 residence located in Palm Beach County from which a vehicle for hire business is
18 operated. The "Residential Home Office" must be the primary residence of the vehicle
19 for hire company's principal owner/president. The "Residential Home Office" must be
20 equipped with a separate wired telephone line and be approved by applicable zoning
21 regulations. Proof of residency must be provided upon request (i.e., driver's license, tax
22 receipt, bank account, utility bill, etc.).

23 (19) **Sedan.** The term "Sedan" shall mean any pre-arranged vehicle for hire, not
24 equipped with a taximeter, which is not a limousine, SUV, Transport Van/Shuttle, non-
25 medical wheelchair and stretcher transportation vehicle or taxi. Sedans shall include all
26 other commercially manufactured passenger vehicles not already defined herein. Such
27 vehicles shall not display the word "taxicab," "taxi," or "cab" on the vehicle exterior or
28 interior. A sedan is prohibited from using a taximeter and toplight unless it is being used
29 as a taxicab. A sedan older than 30 years must be fully restored and registered as an
30 antique by the state pursuant to Chapter 320.086(2) Florida Statutes as may be amended.

- 1 (20) **Short Term Vehicle Decal Plaque Placard**. The term "Short-Term Vehicle
2 Placard" shall mean a specially prepared placard placed on the passenger side dashboard
3 of a short-term rental vehicle for hire. All rental contracts must be 30 days or less.
- 4 (21) **SUV (Sports Utility Vehicle)**. The term "SUV" shall mean a type of passenger
5 vehicle which combines the load-hauling and passenger-carrying capacity of a large
6 station wagon or minivan. A SUV is prohibited from using a taximeter and toplight
7 unless it is being used as a taxicab.
- 8 (22) **Taxicab**. The term "Taxicab" shall mean a motorized vehicle, equipped with a
9 taximeter, engaged in the transportation of passengers for compensation, and where the
10 route or destination is controlled by the passenger.
- 11 (23) **Taximeter**. The term "Taximeter" shall mean any device permanently and
12 internally mounted in a taxicab and which records and indicates a charge or fare
13 measured by distance traveled, waiting time or other traditionally compensable activities
14 of taxicab service.
- 15 (24) **Top Light**. The term "Top Light" shall mean a permanently installed roof
16 mounted lighted device which shall be illuminated whenever the taximeter is on. The top
17 light must be a minimum size of ten inches by four inches (10" x 4"), permanently
18 mounted on the vehicle roof and display or include the word "taxi", "taxicab" or "cab".
- 19 (25) **Transport Van/Shuttle**. The term "Transport Van/Shuttle" shall mean a motor
20 vehicle not equipped with a taximeter, with a seating capacity for at least four (4)
21 passengers, exclusive of the driver, where there is no separation of the driver and
22 passenger compartments and not modified from the manufacturer's specifications. A
23 functioning seat belt must be available for each passenger. A transport van shuttle is
24 recognized by the industry as a mini-van, van, mini-coach, minibus, limo-bus or other
25 similar vehicle, excluding those vehicles regulated by the State of Florida Department of
26 Transportation (FDOT). A Transport Van/Shuttle is prohibited from using a taximeter
27 and toplight unless it is being used as a taxicab.
- 28 (26) **Vehicle Decal**. The term "Vehicle Decal" shall mean a decal placed upon any
29 vehicle for hire granted approval to provide vehicle for hire services by the Division.
- 30 (27) **Vehicle for Hire**. The term "Vehicle for Hire" shall mean any motorized, self-

propelled vehicle engaged in the transportation of persons upon the streets of Palm Beach County with the intent to receive compensation for providing such transportation, and shall include, but not be limited to, non-medical, wheelchair and stretcher transportation services, taxicabs, transport vans/shuttles, SUVs and limousines. The term shall not be construed to include ambulances.

(28) **Vehicle for Hire Company.** The term “Vehicle for Hire Company” shall mean any individual, partnership, association, corporation, broker or other legal entity which holds business permits for or contracts with one (1) or more vehicles for hire, provides vehicles or services to drivers of vehicles for hire, or which operates a central dispatch for one (1) or more vehicles for hire.

(29) **Vehicle for Hire Driver’s I.D. Badge (I.D. Badge).** The term “Vehicle for Hire Driver’s I.D. Badge (I.D. Badge)” shall mean a permit authorizing the holder thereof to utilize the motor vehicle(s) described in said permit for the transportation of passengers as authorized pursuant to this Ordinance.

(30) **Vehicle for Hire Service Standards.** The term “Vehicle for Hire Service Standards” shall mean a summary of “Passenger” and “Driver” expectations prominently displayed within every vehicle for hire passenger compartment.

Section 4. Compliance with Ordinance Required

(1) The operation of vehicles for hire within and upon the streets of Palm Beach County shall be subject to the conditions, restrictions, and regulations set forth in this Ordinance. It shall be unlawful to operate any vehicle for hire within and upon such streets without first obtaining a Palm Beach County vehicle for hire permit, vehicle decal(s), and driver’s I.D. badge; however, this Ordinance shall not apply to the following:

- (a) Vehicles operated by a governmental agency;
- (b) Vehicles tendering transportation services not for compensation;
- (c) Vehicles owned and operated by hotels, motels and funeral homes which provide transportation services for their guests only, for which the guest does not incur a separate charge;

1 (d) Discharge within the regulatory purview of this Ordinance of a passenger
2 picked up pursuant to legal authority in either a municipality or another county;

3 (e) Operation of motor vehicles for the transportation of passengers, not for
4 compensation, between the vicinity of their residences and the vicinity of their places of
5 work, in an arrangement commonly known as a "car pool" or "van pool".

6 (f) Non-Medical, Wheelchair and Stretcher Transportation Service vehicles
7 under the auspices/regulation of Palm Beach County Palm-Tran Connection.

8 (2) Compliance with the provisions of this Ordinance shall in no way relieve an
9 individual or vehicle for hire company from compliance with all municipal, county, state
10 and federal laws.

11 (3) Vehicle for Hire Business permit holders and permitted drivers shall cooperate
12 fully at all times with the Division in furnishing information required in connection with
13 requests for proof of licensure, insurance, vehicle registration, Driver's ID Badge, or
14 during the process of applying to renew a business permit, registration of vehicles and or
15 Driver's I.D. Badges, or investigations of consumer complaints. Further, Vehicle for
16 Hire Business permit holders and permitted drivers shall not obstruct, hamper or interfere
17 with an investigation of alleged violations of this Ordinance conducted by Division
18 personnel, any law enforcement officer or employee of any other agency enforcing this
19 Ordinance. At no time shall a Vehicle for Hire Business permit holder or permitted driver
20 use abusive language or display discourteous, hostile, aggressive or other inappropriate
21 behavior toward passengers, other vehicle for hire drivers, vehicle for hire business
22 owners or their representatives, Division personnel, any law enforcement officers or any
23 agency authorized to enforce this Ordinance.

24 25 **Section 5. Advertising**

26 (1) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire
27 services and/or transportation services without obtaining and maintaining a current and
28 valid vehicle for hire business permit and vehicle decal(s) pursuant to the provisions of
29 this Ordinance. Any advertisements of any vehicle for hire business shall clearly and
30 conspicuously disclose the name of the company, physical address of the company,
31 phone number and vehicle for hire business permit number issued by the Division. The

1 permit number shall be preceded by "PBC VFH".

2 (2) All taxi cabs and non-medical wheelchair and stretcher transportation service
3 vehicles shall clearly display on the exterior of the driver and passenger side of the
4 vehicle, permanent vinyl or painted lettering at least four inches (4") high and in clearly
5 visible bold contrasting colors, the vehicle for hire company's name, telephone number
6 and business permit number. The permit number shall be preceded by "PBC VFH".
7 Magnetic signage, of any type, is not permitted.

8 (3) Every taxicab and non-medical wheelchair and stretcher transportation service
9 vehicle shall be assigned a unique/dedicated number by the vehicle for hire company.
10 That number must be permanently affixed to each vehicle by that company. The
11 assigned number shall exist for the life of the vehicle while it is owned/operated by that
12 company and shall not be reused for at least 1 year on any other vehicle. This number
13 shall be reported to the Division as part of the annual permit requirements. The number
14 shall be affixed to both rear quarter panels (or roof posts) of an automobile or rear sides
15 of other vehicles. The numbers must be in clearly visible, boldly contrasting colors and
16 shall be a minimum of 4" in height. Each business must assure that duplicate numbers
17 are not assigned to vehicles.

18 (4) All taxicabs shall conspicuously advertise their meter rates on the exterior of the
19 vehicle and the metered drop rate must match the advertised rate.

20 (5) Taxicabs utilizing signage on roofs which prevent the required mounting of a
21 toplight shall be exempt from the toplight requirement until the vehicle is replaced.
22 required to be retired pursuant to this Ordinance or the word "taxi", "cab" or "taxicab"
23 (using at a minimum 2 inch letters) is included on the signage and is able to be seen from
24 the front and rear of the vehicle.

25 (6) Vehicle for hire drivers/chauffeurs meeting passengers at Palm Beach
26 International Airport, or the Port of Palm Beach, may utilize a sign for the purposes of
27 identifying a passenger or group of passengers. The sign utilized shall identify the name
28 of the passenger or group being met and shall include the name of the vehicle for hire
29 company or the corporate client of the vehicle for hire company and "PBC VFH" permit
30 number. In no event shall the name of the company be larger than one-inch (1") letters

1 and in any event the name of the company shall be smaller than the name of the
2 passenger group.
3

4 **Section 6. Municipal Exemption**

5 A vehicle for hire company while in possession of a valid vehicle for hire permit from a
6 municipality located in Palm Beach County, meeting the insurance requirements of
7 Section 16 of this Ordinance, shall be exempt from paying certain fees required by Palm
8 Beach County as authorized by this Ordinance. All businesses operating pursuant to this
9 exemption shall obtain an exempt operating permit from the Division and must meet the
10 safety requirements of Sections 10, 13, 14 and 15 of this Ordinance. Additionally, each
11 vehicle for hire driver shall meet the driver requirements of Section 17 of this Ordinance.
12 By resolution, the Board may assess an administrative processing fee for exempt vehicle
13 for hire companies and vehicles.
14

15 **Section 7. Reciprocity**

16 (1) **Out-of-County origin exception.** Nothing in this Ordinance shall prohibit
17 discharge within Palm Beach County of any passenger, lawfully picked up in another
18 county and lawfully transported into Palm Beach County from a county or municipality
19 that has adopted a similar vehicle for hire regulatory ordinance, which meets or exceeds
20 the requirements of this Ordinance and has been issued an operating permit by the county
21 or municipality of origin.
22

23 Any passenger lawfully picked up in another county, may be transported to, and
24 discharged at one or more locations within Palm Beach County. Any passenger
25 transported under this provision may be picked up at the drop-off location and
26 transported back to the county of origin as long as the transportation is part of a
27 continuous round trip fare. This transportation ~~is~~ must be part of a prearranged fare
28 (evidenced by a written manifest or load ticket) and the county or municipality (not in
29 Palm Beach County) where the passenger is picked up has adopted similar provisions in a
30 vehicle for hire regulatory ordinance and issued an operating permit or vehicle for hire
31 license to the business. Local Business Tax Receipts do not meet the requirements of this
32 section.

1 (2) A vehicle for hire from another county or municipality (not in Palm Beach
2 County) may pick up a passenger at either Palm Beach International Airport or the Port
3 of Palm Beach and transport said passenger directly to the vehicle for hire's county or
4 municipality of origin as long as:

5 (a) The county or other municipality has adopted a similar vehicle for hire
6 regulatory ordinance, which meets or exceeds the requirements of this Ordinance;

7 (b) The transportation is part of a prearranged, one-way continuous fare
8 (evidenced by a written manifest or load ticket);

9 (c) The passenger arrived at either Palm Beach International Airport or the
10 Port of Palm Beach;

11 (d) The vehicle meets Palm Beach International Airport and the Port of Palm
12 Beach vehicle for hire requirements; and

13 (e) The vehicle has been issued an operating permit by the county or
14 municipality of origin. A copy of the manifest or load ticket shall be in the possession of
15 the driver at all times and shall be made available to enforcement personnel upon request.
16

17 **Section 8. Business Permit Application**

18 (1) An individual, vehicle for hire company or broker, not exempt pursuant to
19 Sections 4 shall make application to the Division for a business permit. It is a violation
20 of this Ordinance to operate such companies without first securing a business permit from
21 the Division. A business permit shall be issued annually only after acceptance by the
22 Division of the following:

23 (a) Its legal, trade, corporate and/or fictitious name;

24 (b) Its local or Florida business address (mail centers or P.O. Box addresses
25 are not acceptable);

26 (c) List of all business principals (i.e., owner, officers, partners, etc.) names,
27 addresses, dates of birth and Florida Driver License number. If applicable, the name and
28 address of the registered agent shall be provided.

29 (d) The number, make, model, year of manufacture and specific coloring
30 scheme of each vehicle for hire for which a business permit is sought;

31 (e) The vehicle identification number and license tag number of each vehicle;

32 (f) A clear and legible copy of each vehicle's State of Florida registration
33 form;

- 1 (g) The name and vehicle for hire driver's I.D. badge number;
- 2 (h) Appropriate certificates, permits, local business tax receipts,
- 3 (specifically for vehicle for hire) and other authorization issued by Palm Beach County
- 4 and any municipality if applicable;
- 5 (i) The original signed copy of the vehicle inspection form for each vehicle
- 6 being assigned a decal; and
- 7 (j) Payment of all business permit and vehicle decal fees in amounts set forth
- 8 by resolution of the Board.
- 9 (2) No person maintaining, owning, or operating a vehicle for hire company shall
- 10 suffer or permit any person or employee to drive a vehicle for hire unless such person has
- 11 a valid vehicle for hire driver's I.D. badge issued pursuant to this Ordinance.
- 12 (3) Each business permit issued pursuant to this section shall be valid and effective
- 13 for one (1) year, terminating on December 31 of each year.
- 14 (a) Failure to submit a business permit application and the required non-
- 15 refundable fee for renewal by September 30 of each year will result in the assessment of
- 16 a non-refundable late fee. The late fee shall be established by resolution of the Board.
- 17 (b) Upon submission of a new business permit application and all required
- 18 documents, the Division shall provide the business with a receipt which shall constitute a
- 19 provisional business permit and shall be valid until the issuance or denial of the business
- 20 permit, whichever comes first.
- 21 (c) Businesses which fail to submit a complete application renewal
- 22 application within thirty (30) calendar days after the business' receipt of the Division's
- 23 notice of an incomplete application, shall be denied a business permit. Within ten (10)
- 24 business days of receipt of the Division's notice of denial, such businesses may refile a
- 25 complete and corrected application and pay a non-refundable re-filing fee established by
- 26 resolution of the Board. Failure to refile an application within this ten (10) day period,
- 27 will result in the business being required to submit a new application and paying the non-
- 28 refundable business permit fee and vehicle decal fees.
- 29 (d) The DCA may deny or revoke a business permit if it is determined that the
- 30 applicant has misrepresented, omitted, concealed a fact on any application or submitted
- 31 any fraudulent or false document. If denied or revoked, said business permit shall not be
- 32 issued or reinstated for a period of one year from the date of denial or revocation.
- 33 (e) No permit shall be valid for any vehicle for hire company under any other

1 name or at any place other than that designated in the permit.

2 (f) A permit is not transferable or assignable, nor shall the ownership
3 structure of the company be so modified as to constitute a change in the control or
4 ownership of the permit. If the business changes its name or ownership structure, within
5 forty-five (45) days of said change, a new business permit application and all business
6 permit fees shall be submitted to the DCA.

7 (4) Upon application and throughout the licensing year, a vehicle for hire company
8 operating as a "Broker" must submit to the Division a complete written listing of each
9 vehicle for hire company for which the company is conducting brokering activities. If a
10 vehicle for hire company is added or deleted, the broker must submit an updated listing in
11 writing to the DCA within 5 business days of the addition or deletion. Brokers shall only
12 conduct business with vehicle for hire companies legally permitted to operate in Palm
13 Beach County.

14 (5) Any change in the information submitted pursuant to paragraph (1) above shall be
15 provided to the Division within twenty (20) calendar days of said change. Failure to
16 provide such notice may result in the suspension or revocation of the company's business
17 permit.

18 (6) All vehicle for hire business permits which are not renewed, shall automatically
19 expire upon the expiration date as stated on the permit and the company shall cease all
20 vehicle for hire services immediately.

21 (7) All vehicle for hire businesses must maintain a written/electronic manifest or trip
22 log for each pickup/drop-off of any passenger. The manifest shall be in the possession of
23 the vehicle for hire driver and business central dispatch and shall include the business
24 name, business phone number, name of the passenger (if provided or known),
25 pickup/drop-off address/location and dates/times involved.

26 (8) The DCA may deny or refuse to renew the business permit of any vehicle for hire
27 business based upon the determination that:

28 (a) Any director, officer, owner or general partner was associated with
29 another vehicle for hire business whose permit was denied or revoked.

30 (b) An individual/business, or any of its directors, officers, owners or general
31 partners has not satisfied a civil fine or penalty arising out of any administrative or
32 enforcement action brought by DCA;

33 (c) Any individual/business, or any of its directors, officers, owners or
34 general partners has had any unsatisfied civil penalties, judgments or administrative

1 orders entered against it, him or her in any action brought by the DCA, or any
2 government agency, under the requirements of this or a similar Ordinance:

3 (d) Any individual/business, or any of its directors, officers, owners or
4 general partners has failed to comply with the terms of a cease and desist order, notice to
5 correct a violation, written assurance of voluntary compliance, or any other lawful order
6 of the Director, the DCA or the Consumer Affairs Hearing Board/Special Master.

7 (9) Each vehicle for hire business operating in Palm Beach County must secure a
8 business operating permit and maintain a commercial business office or residential home
9 office in Palm Beach County. Each vehicle for hire company must place the actual
10 written permit issued by the DCA in a location clearly visible to the public. There are
11 only two exceptions to maintaining a commercial business office or residential home
12 office in Palm Beach County:

13 (a) The vehicle for hire business may operate from Broward County, Miami-
14 Dade County or any another Florida county/municipality where that jurisdiction licenses
15 and regulates vehicle for hire companies and that business and all vehicles are
16 licensed/decided to operate by that county/municipality and secures a vehicle for hire
17 operating permit and vehicle decals from Palm Beach County.

18 (b) The vehicle for hire business may operate from another county if no
19 vehicle for hire license regulations exists in the other county and that business secures a
20 vehicle for hire operating permit and decals from Palm Beach County. Vehicle for hire
21 companies with existing operating permits and decals from Palm Beach County shall be
22 exempt from this subsection.

23 (10) A vehicle for hire company shall sign an affidavit attesting that each driver is
24 eligible to be insured by the company's commercial automobile liability insurer and is in
25 fact insured.

26 (11) The company is required to notify the Division, in writing, immediately but no
27 later than 10 business days from the date that a driver is no longer insured by the vehicle
28 for hire company's commercial automobile liability insurer.

29 (12) For vehicles owned by the business, it shall be the responsibility of the business
30 to remove and surrender to the Division all decals issued for vehicles which are no longer
31 operating for that business. The business must also remove all vehicle signage and top
32 lights within ten (10) business days following the removal of a vehicle from service or
33 termination of employment/contract with the business.

34 (13) Failure to comply with the provisions of this Section may result in denial of a

1 permit(s), revocation or suspension of the permit(s), a denial of renewal of such
2 permit(s), issuance of a civil citation, a misdemeanor conviction or other such remedies
3 available to the Division by law.
4

5 **Section 9. Records Required.**

6 Each vehicle for hire company shall maintain accurate and complete records relating to
7 manifests, invoices (when used) and vehicle maintenance. Such records shall be
8 maintained for at least three (3) years. The Division shall be granted access to these
9 records for inspection and or copying, during regular business hours, upon 24-hours prior
10 notice. In the event the Division is denied the opportunity to inspect and copy such
11 records onsite, the Division shall have the right to remove the records for the purpose of
12 copying and shall return any records removed within three (3) calendar days. If
13 necessary, the Division is hereby authorized to obtain an inspection warrant as authorized
14 by law.
15

16 **Section 10. Vehicle Requirements.**

17 (1) Age requirements: A SUV, Sedan, Taxi Cab, Limousine and Transport
18 Van/Shuttle shall not be used as a vehicle for hire if it is older than ten (10) years, based
19 on the vehicle registration.

20 (2) It shall be a violation of this Ordinance to fail to meet the requirements of
21 vehicles described in Section 3: Paragraph 12 – Limousine, Paragraph 18, Non-Medical,
22 Wheelchair and Stretcher Transportation Service, Paragraph 23 – SUV, Paragraph 24 –
23 Sedan, Paragraph 25 – Taxicab, and Paragraph 28 – Transport Van/Shuttle.

24 (3) Taxicabs

25 (a) Each taxicab is required to maintain a top light as defined in Section 3
26 (24).

27 (b) Each taxicab business shall select and use a uniform, specific and
28 consistent color and signage scheme for all taxicabs registered to the business. Each
29 company shall submit to the Division for approval, upon application, three color
30 photographs, not less than 8" by 10" size, showing the entire vehicle, driver's side
31 (assuming passenger side is identical), front and rear of the vehicle which depicts the

1 chosen color scheme, including signage per Section 5 of this Ordinance.

2 (c) No taxicab shall be permitted to operate unless it conforms to the
3 business' selected color and signage scheme as stated in subsection (3) (b) herein above.

4 (d) No taxicab shall be permitted or operated unless it is equipped with a
5 taximeter which accurately registers the rates and charges posted on the outside of the
6 vehicle. Taxicabs are required to use the taximeter to determine all fares. The taximeter
7 must be plainly visible to allow easy viewing of the meter rate display by the passenger.

8 (e) All taximeters shall be calibrated, at least once per year, tested and sealed
9 pursuant to the most current addition of the National Institute of Standards and
10 Technology (NIST) Handbook 44, at a Registered Taxi Service Agency, as authorized
11 by State of Florida Department of Agriculture and Consumer Services, Bureau of
12 Weights and Measures.

13 (f) Each taxicab business must present meter calibration records when
14 applying for and/or renewing the vehicle for hire business permit. The calibration record
15 must show at a minimum, the date of calibration, and the name, address and phone
16 number of the Registered Taxi Service Agency performing the calibration.

17 (g) All taximeters must have a lead seal and current inspection decal affixed
18 to the taximeter, by a Registered Taxi Service Agency. The business is responsible for
19 assuring compliance with this paragraph.

20 (h) If either the lead seal or inspection decal is missing or broken on the
21 taximeter, the vehicle for hire business must immediately take the vehicle out of service.
22 The taximeter must be recalibrated by a Registered Taxi Service Agency, and a new lead
23 seal and inspection decal must be affixed to the taximeter prior to the taxicab being
24 placed back into service.

25 (4) Failure to comply with the provisions of this Section may result in the Division
26 denying the permit(s)/decal, revoking or suspending the permit(s)/decal, denying a
27 renewal of such permits/decal, issuing a civil citation, a misdemeanor conviction or other
28 such remedies available to the Division.

29
30 **Section 11. Vehicle Decal Requirements**

31 (1) An individual or vehicle for hire company not exempt pursuant to Section 4 of

1 this Ordinance shall make application to the Division for a vehicle decal for each vehicle
2 for hire. Each vehicle for hire shall be issued a vehicle decal upon fulfilling all the
3 following requirements:

4 (a) Verification of the application submitted pursuant to this Ordinance;

5 (b) Certification evidencing compliance with the insurance requirements of
6 Section 16 of this Ordinance;

7 (c) Receipt of appropriate documentation or a sworn statement that the
8 vehicle(s) for which the vehicle decal is sought meets the minimum vehicle safety and
9 signage requirements of Sections 5, 10, 11 and 13 of this Ordinance; and

10 (d) Payment to the Division of the vehicle decal fee in an amount set forth by
11 resolution of the Board.

12 (2) Each vehicle decal issued pursuant to this Section shall be valid and effective for
13 one (1) year, terminating on December 31 of each year.

14 (3) Upon issuance of a vehicle decal, such decal shall be properly affixed to the
15 vehicle utilizing the adhesive provided on the decal. Said decal shall be placed on the
16 passenger side, lower corner inside windshield and shall be clearly visible. Once affixed,
17 the decal may not be removed except for reasons described in paragraph (7) below. The
18 vehicle decal remains the property of Palm Beach County and shall be used only under
19 the authority of the Division. It shall be a violation of this Ordinance to fail to properly
20 affix the decal to the vehicle windshield immediately upon receipt. Designated Division
21 personnel shall have the authority to confiscate decals not properly affixed to the vehicle
22 windshield.

23 (4) A vehicle decal may be renewed upon application to the Division evidencing
24 continued compliance with the provisions of this Ordinance, and payment of the renewal
25 fee in an amount set forth by resolution of the Board.

26 (5) If the short-term use of a rental vehicle by a vehicle for hire company is
27 necessary, a short-term 30 day vehicle placard shall be issued upon application to the
28 Division. The vehicle for hire company shall show proof that all temporary use vehicles
29 meet the minimum insurance requirements of this Ordinance and provide a copy of the
30 rental agreement. The short-term placard must be placed on the passenger's side
31 dashboard of a rented vehicle for hire. The placard shall at a minimum include the
32 name of the company, date of issuance and date of expiration. If a vehicle is rented for
33 more than 30 days, the vehicle for hire company must secure a new placard. The fee for a
34 short-term vehicle placard shall be established by resolution of the Board. All short-term

1 use vehicles must meet all requirements of this Ordinance. Temporary use placards are
2 not permitted for taxicabs.

3 (6) No vehicle decal may be duplicated in any manner.

4 (7) No vehicle decal may be sold, assigned or otherwise transferred. If a vehicle's
5 windshield is damaged beyond repair or a vehicle is destroyed or sold, the vehicle for
6 hire company must remove said vehicle decal (if in existence) and surrender the remains
7 to the Division within 10 business days of the occurrence.

8 (8) The fee for replacing decals for vehicles currently registered with the DCA shall
9 be established by resolution of the Board. Such fees are applicable to vehicles which
10 have sustained windshield damage or decal theft (as evidenced by dated repair receipt or
11 police report).

12 (9) Each vehicle for hire shall conspicuously display in the passenger compartment a
13 *Vehicle for Hire Service Standards* decal, supplied by the Division.

14 **Palm Beach County**
15 **Vehicle for Hire Service Standards**

16 **Passenger Expectations:**

- 17 • A clear understanding of the fare (or fare rate)
18 • To examine the driver's I.D. badge
19 • To direct the destination and route to your destination
20 • A courteous, English-speaking driver who knows the streets of Palm Beach County
21 • Only the "permitted" driver and paying passengers in the vehicle
22 • A driver who knows and obeys all traffic laws
23 • Air-conditioning on demand
24 • No operation of radio, CD/Cassette or DVD/video or other similar mediums unless requested
25 • No smoking in the vehicle
26 • Clean passenger seat area
27 • Clean trunk

28 **Driver Expectations:**

- 29 • To be paid for services provided and
30 requested
31 • No illegal activities in vehicles
32 • Personal safety
33 • To maintain a safe environment
34 • Non-smoking passenger(s)

If you have an unresolved problem with
the driver or company contact:

Palm Beach County Consumer Affairs
West Palm Beach 561-712-6600
Boca/Glades 888-852-7362
www.pbcgov.com/consumer

27 As an alternative for sedans and limousines, vehicle for hire companies may opt to
28 provide a copy of the *Vehicle for Hire Standards* on a minimum 8½" x 5½" sheet of
29 paper (with minimum 10 point type font) to passengers at any time, but no later than the
30 trip termination or when the customer is invoiced. It shall be a violation of this
31 Ordinance for the vehicle for hire company or the driver to fail to adhere to the Vehicle
32 for Hire Service Standards.

33 (10) It shall be unlawful to operate any vehicle for hire within and upon the streets and
34 roads of Palm Beach County without first obtaining the required vehicle decal(s) and

1 affixing it to the windshield of each vehicle. Failure to secure the required decal or
2 affixing it to each vehicle as required by this Ordinance may result in the permit being
3 denied, suspended or revoked.

4 (11) Failure to comply with the provisions of this Section may result in the Division
5 denying the permit(s)/decal(s), revoking or suspending the permit(s)/decal(s), denying
6 the renewal of such permit(s)/decal(s), issuing a civil citation, a misdemeanor conviction
7 or other such remedies available to the Division.

8 9 **Section 12: Impoundment**

10 (1) Designated DCA employees or law enforcement officers are authorized to seize
11 and impound any vehicle for hire which such employee or officer has probable cause to
12 believe is being operated without commercial liability insurance and in violation of this
13 Ordinance.

14 (2) A driver and/or vehicle for hire business, previously issued a citation(s) for
15 violation of Section 16 of this Ordinance and found guilty, pleads guilty or has a
16 judgment issued against it, may have its vehicle impounded for a subsequent violation of
17 operating a Vehicle for Hire without commercial liability insurance.

18 (3) At the time and place of impoundment, the designated DCA employee or law
19 enforcement officer will provide written notice to the owner/operator of the vehicle
20 detailing:

- 21 (a) The grounds for impoundment,
- 22 (b) The description of the vehicle impounded,
- 23 (c) The location of the secured facility where the vehicle will be held,
- 24 (d) The process for having the vehicle released, and
- 25 (e) The circumstances under which the vehicle will be disposed/sold if the

26 owner fails to meet the requirements of this Section and fails to claim the vehicle
27 pursuant to Section 713.78, Florida Statutes, as may be amended.

28 If the owner of the vehicle is not present at the time of impoundment, within 24 hours the
29 Division will make a good faith effort to give a notice of seizure in writing to said vehicle
30 owner and lien holder of the fact of such seizure, the grounds for seizure, identification of

1 the seized vehicle and information concerning these regulations and the designated
2 secured facility to which the vehicle was or will be taken. A copy of said notice of
3 seizure shall also be given to the towing company which impounds the vehicle.

4 Whenever an officer or designated employee seizes a vehicle under this Section, and does
5 not know and is not able to ascertain the name of the owner, or for any other reason is
6 unable to give the notice to the owner as hereinabove provided, then the officer or
7 designated employee shall immediately send or cause to be sent a written report of such
8 impoundment by mail to the appropriate law enforcement agency.

9 (4) The Division shall obtain the assistance of either the Palm Beach County Sheriff's
10 Office or the specific police agency in the municipality where the vehicle is to be towed
11 to coordinate the impoundment of the vehicle with an authorized towing company either
12 on rotation by the law enforcement agency or under contract with the Division.

13 (5) The vehicle shall not be released to the vehicle owner by the towing company
14 until authorization has been given by the DCA. The owner must show proof that all
15 judgments from outstanding citations and administrative actions that relate to the failure
16 to have commercial liability insurance have been paid or proof is shown that a court
17 hearing has been scheduled to consider said outstanding citations. Further, the vehicle
18 owner must make arrangements through the company's commercial insurance
19 agent company to show proof to the DCA that the vehicle has the required insurance or
20 provides a notarized affidavit that the vehicle will no longer be used as a vehicle for hire,
21 returns the Vehicle for Hire decal and shows proof of insurance as required by the State
22 of Florida.

23 (6) After meeting the requirements in sub-paragraph 5 above, the registered owner of
24 the impounded vehicle may request that the impounded vehicle be released, by delivering
25 a written request in person to the DCA, Monday through Friday, between 8:00 AM and
26 4:00 PM, excluding holidays. The DCA will then issue an authorization to the vehicle
27 owner for the towing company to release the vehicle. The vehicle owner is responsible
28 for the payment of all towing and storage charges incurred by the impoundment prior to
29 said release.

30 (7) The owner and/or lien holder of the vehicle may appeal the decision of the

1 Division to impound a vehicle and facilitate its release by:

2 (a) Complying with the requirements in sub-paragraphs 5 and 6 above; or

3 (b) Initiating the appeal and waiting for the decision of the Hearing

4 Board Special Master with the understanding that if the appeal is not successful,

5 additional daily vehicle storage fees shall be assessed by the towing company for which

6 the owner shall be required to pay prior to release of the vehicle.

7 (8) Appeal Process: If the vehicle owner disputes the grounds for the vehicle

8 impoundment, he or she may appeal to the Consumer Affairs Hearing Board Special

9 Master. The owner of an impounded vehicle shall make a request in writing to the

10 Division for a hearing within five (5) business days of the vehicle being impounded and

11 pay the non-refundable appeal fee established by resolution of the Board. The Division

12 shall arrange for the hearing within ten (10) business days or as soon as practicable, after

13 receiving the written request. All interested persons shall be given reasonable

14 opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the

15 hearing, and hearsay evidence shall be admissible. After considering all evidence

16 presented, the Hearing Board/Special Master shall upon clear and convincing evidence,

17 either uphold the decision of the Division to impound the vehicle or determine there was

18 insufficient cause for impoundment. If the Hearing Board Special Master determines

19 there was insufficient cause for the impoundment:

20 (a) The towing fees will be returned to the owner by the Division; or

21 (b) The vehicle shall be returned to the owner without any fees being

22 assessed. In such cases, the Division shall be responsible for paying the towing company

23 for all charges and fees incurred.

24 (9) If the Division's decision to impound is upheld, the Hearing Board Special

25 Master shall order the continued impoundment of the vehicle unless the owner posts a

26 cash bond in the amount of the maximum fines, towing and storage fees or does not

27 admit to the violation but pays the towing and storage fees and any fines.

28 (10) Default hearing. If the owner of the impounded vehicle fails to appear for the

29 appeals hearing specified above, the Hearing Board/Special Master shall make a

30 determination pursuant to this Section. The Division shall inform the owner of the

1 default determination by certified mail, return receipt requested or by personal delivery.

2 The order of the Hearing Board Special Master shall include the provisions of this
3 Section.

4 (11) Vehicles not claimed as required by this Section will be considered abandoned ten
5 (10) days after impoundment or ten (10) days after service of the Order of the Hearing
6 Board Special Master. The towing company which has possession of the vehicle is then
7 authorized to dispose of the vehicle in accordance with Section 713.78 Florida Statutes,
8 as may be amended.

9 10 **Section 13. Vehicle Safety and Appearance Requirements.**

11 (1) The windshield and all side and rear windows shall provide clear visibility and
12 operate according to the manufacturer's specifications. The windshield and all windows
13 shall possess no breakage, cracks or pits that impair visibility or hinder the safety of
14 passengers. All window cranks/power window switches shall be complete, intact and
15 functioning. Windows on vehicles for hire shall not be covered by, or treated with, a
16 material which would cause the vehicle to be in violation of Sections 316.2951 -
17 316.2956, Florida Statutes, as may be amended.

18 (2) All standard manufacturer's interior equipment shall be complete, intact and
19 functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and
20 head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary,
21 and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner,
22 or floor coverings. The vehicle's interior must be free of offensive odors. The floor
23 board shall be free of rust and holes. Trunks and luggage compartments must be kept
24 clean and free of debris.

25 (3) All doors must have operating handles, which allow opening from both the inside
26 and outside, and door hinges and latches must function properly. Door locks must be
27 operable by passengers at all times. Door seals and gaskets must be intact/operating and
28 prevent water, odor and fumes from entering the vehicle from outside. All door panels
29 must be intact to prevent accidental injuries on door and window mechanisms.

30 (4) Seat belts shall be available for all passengers (according to manufacturer's
31 specifications and Florida law). Seat belts shall be in operating condition, easily
32 accessible, clean and free of grease and other objectionable substances.

33 (5) All vehicles shall be equipped with a fully functioning heating and air

1 conditioning system which controls the temperature of the inside of the vehicle between
2 68 and 78 degrees Fahrenheit. The vehicle shall be equipped with a fully functioning
3 windshield defrost or defogging system.

4 (6) All vehicles shall be equipped with a light capable of illuminating the interior of
5 the vehicle, controlled by the operation of the doors, or manually controlled by the driver.

6 (7) The transportation of children shall be in accordance with Section 316.613,
7 Florida Statutes, as may be amended.

8 (8) Those vehicles and operations, which are subject to the Americans with
9 Disabilities Act (ADA), shall comply with the applicable provisions of said Act.

10 (9) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks,
11 breaks, rust, and body damage that detracts from the overall appearance of the vehicle or
12 could result in harm or injury to the passenger or his/her personal belongings.

13 (10) The vehicle must be equipped with safe tires of the same size. No recaps shall be
14 used. Maximum allowable tread wear shall be where tread is level with the wear bar, or
15 2/32" when measured at three random places in the tire tread. The tires shall be inflated
16 to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.

17 (11) Windshield wipers must be operational according to the manufacturer's
18 specifications. Wiper blades shall be in such a condition as to make firm contact with the
19 windshield when operational, and shall not be torn or worn.

20 (12) Reflectors and lenses shall not be cracked or missing and must be the correct
21 color and properly positioned.

22 (13) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be
23 operable as required by Florida law. Each vehicle shall have a white light on the vehicle
24 to illuminate the rear license plate so that it is clearly visible.

25 (14) Steering mechanisms shall not be worn or jammed, nor shall there be more than
26 two (2) inches play to the left or right of center, measured at the steering wheel rim with
27 the front wheels in a straight-ahead position. Power steering units shall not have visible
28 signs of fluid leakage.

29 (15) The vehicle suspension shall function as designed by the manufacturer.

30 (16) The vehicle shall be equipped with an operating horn with the actuating button
31 mounted in the location designated by the vehicle manufacturer and operated in the
32 manner designed and assembled by the vehicle manufacturer.

33 (17) Each vehicle shall contain an operating parking brake and a primary brake system
34 which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake

1 line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake
2 linings and or disc pads, when measured at the thinnest point shall not be less than one-
3 sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake
4 rotors and brake drums shall be of a size and type appropriate for the vehicle, with no
5 cracks or other damage which change or impair the functional surface. All primary brake
6 systems shall demonstrate a reasonable total braking force when conducting a rolling
7 stop.

8 (18) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or
9 any other point in the exhaust system as determined through a visual and audible
10 inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to
11 manufacturer specifications.

12 (19) Belts shall show no signs of excessive wear and be free of cracks and frays.
13 Hoses shall be firm and in good condition, free of leaks and cracks.

14 (20) All fluid levels shall be maintained according to manufacturer's specifications.

15 (21) Vehicles are required to have manufacturer specified spare tires and tire changing
16 equipment, unless all wheels are equipped with a "run flat tire" system.

17 (22) Vehicles must be equipped with functioning speedometer and odometer.

18 (23) Vehicles must receive routine maintenance according to the manufacturer's
19 recommendations pertaining to service intervals. A record of such routine maintenance
20 must be maintained and is subject to inspection by the Division.

21 (24) Businesses must assure that each vehicle or driver has a means of communicating
22 to a central dispatch or to emergency agencies with a two-way radio and or cellular
23 mobile telephone.

24 (25) Failure to comply with the provisions of this Section and applicable sections of
25 Chapter 316, Florida Statutes, as may be amended, may result in denial of a permit(s),
26 revocation or suspension of the permit(s), a denial of renewal of such permits, issuance of
27 a civil citation, a misdemeanor conviction or other such remedies available to the
28 Division by law.

29
30 **Section 14. Non-Medical Wheelchair and Stretcher Transportation**
31 **Service Companies Operational Requirements.**
32

33 (1) Non-Permitted Transportation – It shall be unlawful to provide the following
34 types of transportation for any person:

35 (a) Requiring intravenous fluid administration while in route.

- 1 (b) Requiring direct medical attention while in route.
- 2 (c) Requiring ventilatory assistance.
- 3 (d) Requiring orthopedic traction during transit.
- 4 (2) Vehicle Design - Wheelchair Operations.
- 5 (a) Each vehicle shall have, in addition to the rear-vision mirror required by
- 6 Chapter 316, Florida Statutes, an inside rear-vision mirror which will enable the driver to
- 7 view the entire compartment;
- 8 (b) Vehicle entry and exit doors shall be equipped with latching devices
- 9 sufficient to restrain individual passenger conveyance(s) within the passenger
- 10 compartment of the vehicle;
- 11 (c) The floor of each vehicle shall be sealed to avoid the seepage of water or
- 12 moisture;
- 13 (d) The passenger compartment shall provide a minimum of 55 inches of
- 14 height, measured from the finished floor to the finished ceiling;
- 15 (e) Vehicles shall not display any ambulance or rescue vehicle emergency
- 16 lighting or warning devices, nor shall they be painted in a fashion that is similar to or
- 17 resembles an ambulance or rescue vehicle;
- 18 (f) Vehicles for hire which are intended to be used for or are used for the
- 19 transport of individuals in wheelchairs shall be designed and equipped to meet minimum
- 20 requirements as specified by the Florida Department of Transportation for wheelchair lift
- 21 vehicles (Florida Administrative Code, Section 14-90, as may be amended).
- 22 (3) Vehicle Design - Stretcher Operations. Prior to transportation, a Non-Medical,
- 23 Wheelchair and Stretcher Transportation Service provider shall be required to obtain
- 24 from the passenger, who requires transportation by a stretcher a written statement that the
- 25 person does not need, nor is likely to need, immediate medical attention during transport.
- 26 This statement must be attached to the corresponding trip manifest. Vehicles for hire,
- 27 which are intended to transport a passenger by stretcher, shall be equipped as follows:
- 28 (a) Each vehicle shall have crash stable side or center mounting litter
- 29 fasteners as a means of latching a stretcher to the vehicle. Litter fasteners shall secure the
- 30 litter to the floor or sidewalls. Where a single passenger may be centered in the
- 31 passenger area of the vehicle on a wheeled litter, additional attachments (cups and locks)
- 32 shall be provided. Attachments shall be near flush with the surrounding surface when not
- 33 in use;
- 34 (b) At least two (2) strap-type restraining devices shall be provided per

1 stretcher, cot, or litter to prevent longitudinal or transverse dislodgment of the passenger
2 during transit;

3 (c) Each vehicle shall have, in addition to the rear-vision mirror required by
4 Chapter 316, Florida Statutes, an inside rear-vision mirror which will enable the driver to
5 view the entire passenger compartment;

6 (d) Vehicle entry and exit doors shall be equipped with latching devices
7 sufficient to restrain individual passenger conveyance(s) within the passenger
8 compartment of the vehicle. Striker plates will be used in conjunction with latching
9 devices;

10 (e) The floor of each vehicle shall be sealed to avoid the seepage of water or
11 moisture;

12 (f) The passenger compartment shall provide a minimum of 55 inches of
13 height, measured from the finished floor to the finished ceiling;

14 (g) Vehicles shall not display any ambulance or rescue vehicle emergency
15 lighting or warning devices, nor shall they be painted in a fashion that is similar to or
16 resembles an ambulance or rescue vehicle.

17 (4) Vehicle Design - Combination Wheelchair Stretcher. Vehicles for hire which are
18 intended to be used for, or are used for the transportation of persons on both a stretcher or
19 wheelchair shall be subject to all provisions contained above in Section 13.

20 (5) Advertising. All advertising or other solicitation for business by such
21 transportation services shall emphasize in a conspicuous manner that the service does not
22 provide ambulance services or medical attention, and the service is designed solely to
23 transport those persons whose physical condition or impairments render it impractical to
24 use a regular common carrier or vehicle for hire service. All such transportation services
25 advertising in the "Yellow Pages" of the telephone directory or elsewhere may only be
26 listed under the heading of "Wheelchair and Invalid Transportation". Use of "The Star of
27 Life", "The Staff of Caduceus", the term "ambulance", normal or abnormal EKG
28 patterns, or any other symbol or sign normally associated with medical attention is
29 prohibited in any and all advertising including the design/signage placed on the exterior
30 of vehicles.

31 (6) Those vehicles and operations, which are subject to the Americans with
32 Disabilities Act (ADA), shall comply with the applicable provisions of said Act.

33 (7) All vehicles must be equipped with:

34 (a) A first aid kit containing at a minimum: a hard case; six gauze pads (at

1 least 4 x 4 inches); one large gauze pads (at least 5 x 9 inches); a box of adhesive
2 bandages; one package of gauze roller bandage at least 2 inches wide; ten sealed
3 antiseptic wipes; scissors; tweezers; adhesive tape and latex gloves.

4 (b) A bodily fluid "Spill Kit" containing at a minimum: safety gloves; foldable
5 wipes; scoops; hand cleaner; biohazard disposal bags; and absorbent, hazardous waste
6 disposable bags.

7 (c) An all-purpose fire extinguisher (10 lb. ABC).

8 (8) Failure to comply with the provisions of this Section may result
9 in denial of a permit(s)/decals, revocation or suspension of the permit(s)/decals, a denial
10 of renewal of such permits, issuance of a civil citation, a misdemeanor conviction or
11 other such remedies available to the Division herein.

12 13 **Section 15. Vehicle Inspections.**

14 (1) Mechanical Safety Inspections

15 (a) All vehicles for hire, except those vehicles that are less than one current
16 model year old, shall be inspected annually, but not more than 60 days before the
17 application for a business permit is submitted to the Division. All vehicles added to the
18 fleet of permitted businesses must meet these inspection requirements.

19 (b) Vehicle inspections shall be performed by an Automobile Technician or
20 Master Automobile Technician both of which must be certified by the National Institute
21 for Automotive Service Excellence (ASE) who at a minimum has passed the
22 requirements for Suspension/Steering and/or Brakes.

23 (i) The ASE certified Automobile Technician/Master Automobile
24 Technician performing the inspection must utilize a three (3) part inspection form
25 supplied by the Division for each vehicle.

26 (ii) The inspection form must show that the vehicle passed all of the
27 requirements as specified in Section 13.

28 (iii) The technician must provide his/her ASE certification number, the
29 expiration date of his/her certification, the name and license number of the State of
30 Florida licensed Motor Vehicle Repair facility where the inspection was performed and
31 his/her signature as verification that all information provided is true and correct. This
32 information must be recorded on the inspection form for each vehicle inspected.

1 (c) It shall be a violation of this Ordinance to fail to use a certified technician
2 to inspect vehicles or to submit false inspection forms to the Division. The Division may
3 verify information and inspection forms submitted by the business. A business which
4 fails or does not follow the requirements of this Section is subject to denial, revocation or
5 suspension of its business permit and decals and denial, revocation or suspensions of
6 renewal of same.

7 (2) Signage and Visual Inspections

8 (a) The Division shall conduct signage and visual inspections of all vehicles
9 required to have exterior signage, taxi roof top lights, and/or taximeters, upon the
10 submittal and completion of all application requirements. Such vehicles for hire shall be
11 inspected by Division personnel to verify that vehicles comply with the requirements of
12 this Ordinance. Division personnel shall conduct a visual inspection of all vehicles to
13 assure that safety and appearance standards are in compliance with this Ordinance.
14 When the vehicle passes inspection, Division personnel shall properly affix the required
15 decal to the windshield.

16 (b) The inspection of vehicles shall take place during a designated period of
17 time and at a location designated by the Division. It is the responsibility of the vehicle
18 for hire business to make vehicles available during the designated period of time and at
19 the designated location.

20 (c) The Division will provide written notification (fax or electronic
21 notification acceptable) to the vehicle for hire company of the time and location where
22 inspections will be conducted.

23 (d) If the business fails to appear for inspection, during the designated
24 inspection period established by the Division, a rescheduling fee must be paid to the
25 Division prior to rescheduling. The non-refundable rescheduling fee shall be established
26 by resolution of the Board. Failure to reschedule within 5 (five) business days shall be a
27 violation of this Ordinance and may result in the denial/revocation of the permit. If a
28 business cancels or fails to present the vehicle(s) for the re-scheduled inspection, the
29 business shall pay a fee that is double the regular rescheduling fee as established by
30 resolution of the Board.

1 (e) Vehicles acquired by a business after submitting the annual business
2 permit application cannot be substituted for vehicles previously scheduled for inspection,
3 unless the business provides all required vehicle documentation at least ten (10) business
4 days before the designated inspection time established by the Division.

5 (f) If a vehicle inspection reveals deficiencies (fails) and a reinspection is
6 required, then the failed vehicle(s) are to be brought to the Division's designated
7 reinspection site within 5 business days by appointment. If the vehicle is not reinspected
8 within 5 business days, then a failed vehicle reinspection fee as established by resolution
9 of the Board shall be paid to the Division.

10 (g) Vehicles that have failed an inspection shall be red-tagged by the
11 Division. A red-tag "out of service" decal will be applied to the vehicle by a Division
12 employee and the vehicle shall not be used for any business purposes until such time as
13 the vehicle is brought to the Division, inspected and approved for operation. Only
14 Division employees may remove the red-tag decal.

15 (h) It is a violation of this Ordinance to fail to abide by the provisions of this
16 Section and to fail to have vehicles inspected.

17 (3) The Division has the right to conduct field inspections of all vehicles for hire, at
18 any time. It is a violation for any vehicle to fail to meet the mechanical, safety and
19 signage requirements, of this Ordinance. DCA personnel may issue a citation or written
20 warning and may apply a "red tag" decal to any vehicle found not meeting these
21 requirements. The "red tag" will be used for significant safety deficiencies (including but
22 not limited to the following subparagraphs from Section 13: (1), (3), (4), (5), (10), (11),
23 (12), (13), and (18)). The "red tag" must remain on the vehicle until noted deficiencies
24 have been corrected and verified by DCA personnel. Only DCA employees may remove
25 the "red tag" decal.

26 27 **Section 16. Commercial Automobile Liability Insurance.**

28 (1) It shall be unlawful for any vehicle for hire company to operate and transport
29 passengers for compensation until that company has filed with the Division and
30 maintains in effect for each vehicle a certificate of insurance which shall insure such

1 vehicle for commercial automobile liability insurance for passenger transportation and
2 shall meet or exceed minimum insurance limits as established by resolution of the Board.

3 (2) All insurance policies required shall be issued by insurance companies licensed
4 and admitted to write commercial automobile liability insurance in the State of Florida.

5 No policy shall be accepted which is less than a six (6) month duration. Each policy shall
6 be endorsed to provide for at least (30) thirty days written notice to the Division of any
7 non-renewal of the policy or at least ten (10) days written notice to the Division of any
8 cancellation non-payment of the policy. Evidence of the renewal of the policy shall be
9 filed with the Division prior to such policy's expiration date. Failure to file such evidence
10 of insurance, or failure to have same in full force and effect, may result in denial of a
11 permit(s), revocation or suspension of the permit(s), a denial of renewal of such permits,
12 issuance of a civil citation, a misdemeanor conviction charge or other such remedies
13 available to the Division herein.

14 (3) Each Certificate of Insurance shall be submitted to the Division directly from the
15 insurer or a duly authorized agent and shall include a list of drivers approved by the
16 insurance company for operation of any vehicle for hire and a list of insured vehicles.

17 The business must provide the Division with an updated complete list of approved
18 drivers as changes are made throughout the licensing year, but no later than 30 business
19 days after a change has been made. The list of drivers must be provided to the DCA on a
20 document directly from the insurance company agent. For vehicles not owned by the
21 business, each driver must be listed as "insured" on the insurance policy. It is a violation
22 of this Ordinance to fail to abide by these requirements.

23 (4) A properly completed Certificate of Insurance evidencing all insurance coverages
24 shall be made available to the Division upon application for a business permit. Each
25 vehicle must be listed on the certificate(s) by its year, make and vehicle identification
26 number. Certificates of Insurance must contain the following name and address as

27 Certificate Holder and Additional Insured:

28 Board of County Commissioners of Palm Beach County
29 c/o Division of Consumer Affairs
30 50 South Military Trail, Suite 201
31 West Palm Beach, FL 33415
32

33 (5) The Division may deny, suspend or revoke the business permit of any vehicle for

1 hire company for failure to obtain or maintain insurance as required by this Ordinance.

2 Any company which submits false or fraudulent insurance documents shall be subject to
3 immediate denial or revocation. Such companies shall not be eligible to reapply for a
4 business permit for five (5) years. The DCA shall notify the State Department of
5 Financial Services Division of Insurance Fraud for follow-up investigation and review.

6 Upon denial, suspension or revocation of the business permit, the vehicle for hire
7 company shall be entitled to an appeal according to the provisions in Section 19.

8 (6) The Division shall suspend the business permit of any vehicle for hire company
9 which fails to ensure that each and every vehicle associated with the company has:

10 (a) A current certificate of insurance provided to the DCA by the authorized
11 agent or insurance company no later than the date of expiration of its previous policy, or

12 (b) A reinstatement notice provided to the DCA no later than the date of
13 cancellation of said policy.

14 (7) Any vehicle for hire company which has had its business permit suspended more
15 than 3 times in any 12 month period (as provided for in paragraph number 6 above) may
16 have such permit revoked for a period of 1 year.

17 (8) An "administrative insurance reactivation" fee established by resolution of the
18 Board, shall be assessed all vehicle for hire companies that are suspended pursuant to
19 subparagraph (6) above. The suspension shall not be withdrawn until the fee is paid to the
20 Division.

21 22 **Section 17. Driver Requirements; Failure to Comply**

23 (1) It shall be unlawful for any person to operate any vehicle for hire within and upon
24 the streets of Palm Beach County without having first obtained a Palm Beach County
25 vehicle for hire driver's identification badge (Driver's I.D. Badge) and Driver's I.D.
26 Vehicle Placard. All applicants for a vehicle for hire Driver's I.D. Badge shall conform
27 to the following:

28 (a) Be at least twenty-one (21) years of age;

29 (b) Possess a valid State of Florida Driver License as required by the Florida
30 Department of Highway Safety and Motor Vehicles and must show proof that he/she has
31 possessed a valid driver's license from any state within the United States for three (3)

1 years prior to applying for a Driver's I.D. Badge. If a person has not driven for 3 years in
2 the United States, he/she must obtain the driving record from any other jurisdictions
3 where he/she did drive or if he/she is unable to obtain the driving record, must sign an
4 affidavit under penalty of perjury that he/she has no driving record which would prevent
5 him/her from driving a vehicle in Palm Beach County, Florida;

6 (c) The driver must provide the original form of his/her lifetime State of
7 Florida Department of Highway Safety and Motor Vehicles traffic/driving record report
8 to the Division which was secured no more than (thirty) 30 days before the
9 application renewal was submitted. Upon initial application, if a driver has resided in
10 Florida less than five (5) consecutive years, a traffic/driving record history from each
11 state where he/she previously resided must be provided for at least a five year period;

12 (d) Has not had more than three (3) or more separate incidents involving
13 moving violations in any twelve (12) month period in the previous three (3) years prior to
14 the initial application or renewal of a Driver's I.D. Badge in which the applicant pled
15 guilty, was found guilty or adjudication was withheld.

16 (e) Has not been classified as a habitual traffic offender (as defined by Florida
17 Statutes) or as defined by the state where he/she previously resided within five (5) years
18 of applying for a Driver's I.D. badge and was not previously issued a driver's I.D. badge
19 by the Division;

20 (f) Upon initial application or renewal, the driver must provide the original
21 request form for his/her Florida Department of Law Enforcement (FDLE) criminal
22 history records report to the Division, as well as payment for the amount required to
23 secure the criminal history records report. The Division shall then be responsible for
24 processing the request and payment to the FDLE. The Division may conduct additional
25 criminal history records reports of other states/jurisdictions as deemed appropriate. The
26 Division may require an applicant to submit to a finger print analysis if there is a question
27 of identity.

28 (g) Have no conviction or plea of guilty or nolo contendere, regardless of
29 adjudication of guilt, within the preceding 5 years from the date of application for any
30 offense related to driving a motor vehicle under the influence or while intoxicated.

31 (h) Have not more than one conviction or plea of guilty or nolo contendere,
32 regardless of adjudication of guilt, within the preceding 10 years from the date of
33 application for any offense related to driving a motor vehicle under the influence or while
34 intoxicated.

1 (i) Have no more than two (2) traffic citations resulting from accidents in the
2 three (3) years preceding the date of the current permit year wherein the driver has been
3 found guilty.

4 (j) Have no conviction or plea of guilty or nolo contendere, regardless of
5 adjudication or guilt, within the preceding three (3) years from the date of conviction or
6 release from incarceration (whichever is later) including but not limited to the following
7 first-degree misdemeanors determined by the Board to be necessary for the protection of
8 public safety: stalking, battery, driving while license is suspended or revoked, exposure
9 of sexual organs, carrying a concealed weapon, reckless driving which causes damage to
10 property, racing on highway, criminal possession of a controlled substance paraphernalia,
11 resisting arrest without violence, luring or enticing a child under 12, or obscenity
12 (selling/distributing sexual material to minor).

13 (k) Have no conviction or plea of guilty or nolo contendere, regardless of
14 adjudication or guilt, within the preceding five (5) years from the date of conviction or
15 release from incarceration (whichever is later) including but not limited to the following
16 felonies determined by the Board to be necessary for the protection of public safety:
17 battery, carrying a concealed weapon, discharging a firearm in public, robbery (not
18 armed), burglary (not 1st degree), criminal sale of a controlled substance, criminal
19 possession of controlled substance paraphernalia, obscenity (selling/distributing sexual
20 material to a minor or exchanging computer pornography with a minor), a habitual felony
21 offender, aggravated assault, child abuse/neglect, reckless driving with serious bodily
22 injury, fleeing/attempting to elude a law enforcement officer, aggravated fleeing or
23 eluding a law enforcement officer causing serious body injury, luring or enticing a child
24 under 12 (2nd conviction), resisting an officer with violence, procuring a person under 18
25 for prostitution, selling or buying minors for sex trafficking/prostitution,
26 forcing/compelling/coercing a person for prostitution, or abuse/aggravated abuse/neglect
27 of an elderly person or a disabled adult. The Division may require applicants to provide
28 the final disposition for felony criminal cases on background checks received by the
29 Division from any source. Failure to provide the disposition of such cases shall result in
30 the denial of a driver's I.D. badge.

31 (l) Have no conviction, plea of guilty, nolo contendere or adjudication
32 withheld of any of the following offenses determined by the Board to be necessary for the

1 protection of public safety (unless proof is shown that the applicant's civil rights have
2 been restored):

3 (i) Murder, attempted murder, attempted felony murder,
4 manslaughter, (F.S. Chapter 782)

5 (ii) DUI manslaughter (F.S. 316.193(3));

6 (iii) Sexual battery, attempted sexual battery (F.S. 794.011);

7 (iv) Lewd or lascivious battery, attempted lewd or lascivious battery,
8 lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious
9 exhibition (F.S. Chapter 800);

10 (v) Lewd or lascivious offense upon or in the presence of an elderly or
11 disabled person, attempted lewd or lascivious offense upon or in the presence of an
12 elderly or disabled person (F.S. 825.1025);

13 (vi) Sexual performance by a child, attempted sexual performance by a
14 child (F.S. 827.071);

15 (vii) Aggravated child abuse (F.S. 827.03);

16 (viii) Failure to register as a sexual predator (F.S. 775) or sexual
17 offender (F.S. 943.0435);

18 (ix) Computer pornography, transmission of computer pornography,
19 buying or selling of minors (F.S. Chapter 847);

20 (x) Kidnapping, attempted kidnapping, false imprisonment, or luring
21 and enticing a child (F.S. Chapter 787);

22 (xi) Aggravated battery, attempted aggravated battery (F.S. 784);

23 (xii) Armed robbery, attempted armed robbery, carjacking, attempted
24 carjacking, home invasion, attempted home invasion (F.S. Chapter 812);

25 (xiii) Poisoning of food or water (F.S. 859.01);

26 (xiv) First degree burglary or attempted first degree burglary (F.S.
27 810.02);

28 (xv) Arson or attempted arson (F.S. 806.01);

29 (xvi) Aggravated stalking (F.S. 784.048);

30 (xvii) Aggravated battery or aggravated assault on a law enforcement
31 officer or other specified officer (F.S. 784.07);

32 (xviii) Aircraft piracy (F.S. 860.16);

33 (xix) Unlawful throwing, projecting, placing, or discharging of any
34 destructive device or bomb or attempting to do so (F.S. 790.161);

- 1 (xx) Facilitating or furthering terrorism (F.S. 775.31);
- 2 (xxi) Treason (F.S. 876.32);
- 3 (xxii) Any offense committed in another jurisdiction that would be an
- 4 offense listed in this paragraph if that offense had been committed in the State of Florida.

5 (m) In addition, the person has not been declared to be one of the following:

- 6 (i) A Habitual Violent Felony Offender under F.S. 775.084(1)(b);
- 7 (ii) A Three-time Violent Felony Offender under F.S. 775.084(1)(c);
- 8 (iii) A Violent Career Criminal under F.S. 775.084;
- 9 (iv) A Prison Releasee Reoffender under F.S. 775.082(9)(a);
- 10 (v) A Sexual Predator under F.S. 775.21;

11 (n) All vehicle for hire drivers with current driver I.D. badges are required to

12 notify the Division within ten (10) business days upon being convicted of any crime.

13 (o) Applicants shall have no unsatisfied civil penalties, judgments or

14 administrative orders pertaining to this Ordinance.

15 (p) Every application or renewal application for a driver's I.D. badge and

16 application for amendment of a driver's I.D. badge, shall be in writing and signed by the

17 applicant and shall be filed with the Palm Beach County Division of Consumer Affairs

18 on a form provided by the Division together with the non-refundable driver's I.D. badge

19 fees which shall not be subject to proration.

20

21 Each driver's I.D. badge shall be valid for a two-year period and shall be renewed every

22 other year on the applicant's date of birth. The DCA may deny or revoke a vehicle for

23 hire driver's I.D. badge if it is determined that the applicant has misrepresented, omitted,

24 or concealed a fact on the application, renewal application or replacement application. If

25 the driver's I.D. badge is denied, the DCA shall not accept an application for said driver's

26 I.D. badge for one (1) year from the date the badge is denied, unless there is less than one

27 (1) year to satisfy the time restrictions in paragraph (1) above related to the following

28 subparagraphs: (d), (e), (g), (h), (i), (j), or (k). In such situations, the applicant will be

29 permitted to reapply for a driver's I.D. badge after the time requirements have been

30 satisfied. If the driver's I.D. badge is revoked, the DCA shall not accept an application

31 for said driver's I.D. badge for one (1) year from the date the badge is revoked. Any

32 person renewing a driver's I.D. badge must file a renewal application, furnish the

33 documentation requested by the Division, and submit payment for the required non-

34 refundable renewal fee(s) not more than ninety (90) days before the expiration date of a

1 driver's I.D. badge. Persons who fail to reapply for their driver's I.D. badge 30 days prior
2 to expiration, risk having a gap in their authorization to drive a for-hire vehicle. Persons
3 who fail to submit their renewal application, required documentation and fees by the
4 expiration date of the driver's I.D. badge must pay a non-refundable late fee, over and
5 above the driver's renewal fee. Any applicant who fails to submit a renewal application
6 within 1 year of the expiration of a current badge will be considered a new applicant
7 when reapplying and no grandfathered provisions will apply. Said fees shall be
8 established by resolution of the Board;

9 (q) Shall submit to photographing (full face exposure without sunglasses or
10 head coverings) prior to the issuance of the permit I.D. badge by the Division;

11 (r) Complete the driver's I.D. badge registration affidavits provided by the
12 Division;

13 (s) Not possess a suspended or revoked driver's license as a result of a
14 moving violation or have any outstanding and unsatisfied civil penalties, citations or
15 judgments imposed due to violations of this Ordinance;

16 (t) Not violate the terms of a cease and desist order, assurance of voluntary
17 compliance, notice to correct a violation or any other lawful order of the director;

18 (u) Not be enjoined by a court of competent jurisdiction from engaging in the
19 vehicle for hire business or was enjoined by a court of competent jurisdiction with
20 respect to any of the requirements of this Ordinance;

21 (v) Have no conviction or plea of guilty or nolo contendere regardless of
22 adjudication of guilt in any military or foreign jurisdiction, federal, state, county or
23 municipal jurisdiction within the United States for violations analogous or parallel to
24 those violations enumerated in all sections herein.

25 (2) The driver of a vehicle for hire shall conspicuously display on the driver's person
26 through the use of a neck lanyard, or above the waist on the outermost garment, the
27 driver's I.D. badge issued pursuant to this Ordinance so that it is visible and available for
28 inspection to the public, Division personnel and all law enforcement officials while
29 engaged and on duty for a vehicle for hire business.

30 (3) Each driver's I.D. badge shall be developed by the Division. Each driver's I.D.
31 badge shall, at a minimum, contain the name of the driver, date of expiration, photo of
32 the driver, and such additional terms, conditions, provisions and limitations as were
33 imposed during the approval process. Drivers are required to submit a notarized affidavit
34 signed by each permitted vehicle for hire company with whom s/he is driving. The

1 affidavit (on a form prepared by the Division) shall also include a statement by the
2 business owner that the driver is eligible to be insured under the company's insurance
3 policy. When a driver is no longer driving for a vehicle for hire company, the driver is
4 required to notify the Division within 10 business days. Failure to follow these
5 requirements shall be a violation of this Ordinance.

6 (4) A Driver's I.D. Vehicle Placard shall be developed by the Division. Each
7 Driver's I.D. Vehicle Placard shall, at a minimum, contain the name of the driver's date
8 of expiration, photo of the driver, driver I.D. number and such additional provisions as
9 may be deemed necessary by the Division. The Driver's I.D. Vehicle Placard shall be
10 plainly visible to passengers at all times in taxicabs and non-medical transport units and
11 available for inspection by passengers in all other vehicle types. The driver is responsible
12 for assuring compliance with this Section. The Driver's I.D. Vehicle Placard is not
13 required to be displayed in a non-medical transport unit being used to transport a
14 passenger as a result of action initiated through "The Baker Act" Chapter 394, Florida
15 Statutes or the "Marchman Act" Chapter 397, Florida Statutes.

16 (5) The Division may issue a replacement I.D. badge to any driver upon ~~application~~,
17 payment of a non-refundable replacement fee, presentation of proof or a sworn affidavit
18 that the I.D. badge has been lost, stolen or for any other valid reason, and any other
19 documentation or requirement requested by the Division. The replacement fee shall be
20 established by resolution of the Board.

21 (6) It shall be unlawful for any person to drive a vehicle for hire unless such person
22 has a valid vehicle for hire driver's I.D. badge issued pursuant to this Section.

23 (7) It shall be unlawful for any person to drive a vehicle for any vehicle for hire
24 company which has not been granted a business permit pursuant to Section 8 of this
25 Ordinance.

26 (8) It shall be unlawful for any applicant for a vehicle for hire driver's I.D. badge to
27 misrepresent, omit or conceal a fact on the application, renewal application or
28 replacement application.

29 (9) Upon submission of the application, the Division shall provide the driver with a
30 receipt. No applicant shall be permitted to drive a vehicle for hire in Palm Beach County
31 until the Division has issued to him/her a driver's I.D. badge. The Division shall provide
32 the driver's I.D. badge within ten (10) business days following the submittal of the
33 application and all required documents. In the event the official criminal background
34 records furnished to the Division are insufficient and additional information is necessary,

1 the Division shall be permitted an additional twenty (20) business days to issue the
2 driver's I.D. badge.

3 (10) No driver shall operate one or more vehicles for hire for more than 12 cumulative
4 hours of driving within any 24-hour period as supported by a required vehicle trip
5 manifest prepared by the driver and maintained by the vehicle for hire company.

6 (11) Drivers are required to provide a smoke free environment inside the vehicle at all
7 times.

8 (12) Drivers must be hygienically clean, well groomed and neat.

9 (13) Passengers shall be offered a receipt for the fare collected.

10 (14) Drivers shall not use abusive language or be discourteous to passengers or
11 Division personnel.

12 (15) Drivers must be able speak and understand English to the extent they can take
13 instruction from passengers and complete trip manifests and incident accident reports.

14 (16) Upon initial application for a driver's I.D. badge, the Division or designated
15 agency shall examine each applicant and, at a minimum, determine the applicant's
16 knowledge of Palm Beach County geography and his/her ability to understand the
17 English language. A driver is only required to successfully complete the examination
18 one time. A driver applicant which initially fails either the geography or English test
19 may retake the test within 30 days at no additional charge. If a driver applicant fails
20 either requirement during the retest, that person will be denied his/her I.D. Badge, but
21 may reapply and repay all applicable fees at anytime.

22 (17) Vehicle for Hire Drivers shall cooperate fully at all times with the Division in the
23 furnishing of information required in connection with requests for proof of driver's
24 license, vehicle insurance and/or driver's I.D. badge, during the process of applying to
25 renew a driver's I.D. badge, and during investigations of consumer complaints. Further,
26 Vehicle for Hire Drivers shall not obstruct, hamper or interfere with an investigation of
27 violations of this Ordinance conducted by Division personnel, any law enforcement
28 officer or employee of any other agency enforcing this Ordinance. At no time shall a
29 Vehicle for Hire Driver use abusive language or display discourteous, hostile, aggressive
30 or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle

1 for hire business owners or their representatives, Division personnel, law enforcement
2 officers or any agency authorized to enforce this Ordinance.

3 (18) All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall
4 remove and surrender to the Division the vehicle decal and driver's I.D. badge within
5 ten (10) business days after he/she is no longer driving for that particular vehicle for hire
6 business. Such owner driver must also remove all vehicle signage and top lights within
7 ten (10) business days after he/she is no longer driving for the vehicle for hire business.

8 (19) Exemptions: Any person who possessed a valid driver's I.D. badge on the
9 effective date of this Ordinance shall be exempt from any new requirements of Section
10 17, paragraphs (1), (a-h), (j-m), (w). However, such persons would be ineligible to
11 receive a driver's I.D. badge and the driver's I.D. badge would be revoked if he/she is
12 convicted of new offenses as described in this Ordinance.

13 (20) Failure to comply with the provisions of this Section may result in the Division
14 denying an I. D. badge/placard, revoking or suspending the driver's I.D. badge/placard,
15 denying a renewal of such driver's I.D. badge/placard, issuing a civil citation, a
16 misdemeanor conviction or other such remedies available to the Division herein.

17
18 **Section 18. Fraudulent Transfer of Vehicle for Hire Company.**

19 (1) A transfer of a vehicle for hire company to a successor company shall be deemed
20 a fraudulent transfer if said transfer is made by the vehicle for hire company for the
21 purpose of evading permit fees and/or civil penalties issued pursuant to this Ordinance.
22 In determining intent to defraud, consideration may be given among other factors to,
23 whether:

24 (a) The transfer was to an insider;

25 (b) The vehicle for hire company retained possession or control of the
26 property transferred after the transfer;

27 (c) The transfer was disclosed or concealed;

28 (c) Before the transfer was made or obligation was incurred, the vehicle for
29 hire company had been sued or threatened with suit;

30 (e) The transfer was of substantially all the vehicle for hire company's assets;

1 (f) The value of the consideration received by the vehicle for hire company
2 was reasonably equivalent to the value of the asset transferred or the amount of the
3 obligation incurred;

4 (g) The vehicle for hire company was insolvent or became insolvent shortly
5 after the transfer was made or the obligation was incurred;

6 (h) The transfer occurred shortly before or shortly after substantial permit fees
7 or civil penalties were incurred; and

8 (i) The vehicle for hire company transferred the essential assets of the
9 business to a lienor who transferred the assets to an insider of the vehicle for hire
10 company.

11 (2) It shall be a violation of this Ordinance for a Vehicle for Hire company to
12 fraudulently transfer a vehicle for hire company.

13
14 **Section 19. Revocation, Suspension and Denial of Permits/I. D. Badges;**
15 **Administrative Appeal**
16

17 (1) The Division is authorized to deny, suspend or revoke business permits driver's
18 I.D. badges, upon written notice. Suspensions shall not be more than six (6) months.
19 Companies/Drivers not resolving issues related to suspensions within the six (6) month
20 suspension period will be subject to permit I.D. Badge revocation. Said notice of
21 business permit I.D. Badge denial, suspension or revocation shall be by personal service
22 (to the owner, driver or representative), by certified mail (return receipt requested) or
23 posting in a conspicuous place at the place of business or home of the driver.

24 (2) Upon receipt of the notice of denial, revocation, or suspension of a business
25 permit I.D. badge, which notice shall specify the grounds for the denial, suspension or
26 revocation, the vehicle for hire company, person or driver shall be entitled to an appeal
27 according to the following:

28 (a) Administrative Appeal: Any vehicle for hire company, person or driver
29 which has had a business permit/driver's I.D. badge denied, revoked, or suspended by the
30 Division, may appeal such decision to the Consumer Affairs Hearing Board/Special
31 Master within twenty (20) days of receipt of the decision. A non-refundable filing fee
32 must accompany the written request for appeal. The business, person, driver or attorney
33 shall file a written notice of appeal signed by the business officer/owner, driver or

1 attorney requesting a hearing and setting forth a brief statement of the reasons thereof.

2 The filing fee shall be established by resolution of the Board. The appeal shall be
3 reviewed at a hearing of the Consumer Affairs Hearing Board Special Master within
4 sixty (60) days of receipt by the Division of the notice of appeal. The vehicle for hire
5 business/person driver may be represented by an attorney and shall be entitled to present
6 a defense.

7 (b) Orders: At the conclusion of any hearing set forth in this section, the
8 Consumer Affairs Hearing Board/Special Master shall orally render its decision (order)
9 based on evidence entered into the record. The decision shall be by motion approved by
10 the affirmative vote of those members present and voting. The decision shall be stated in
11 a written order and mailed to the vehicle for hire company/driver not later than ten (10)
12 days after the hearing, and shall be deemed final agency action with regard to the matter
13 appealed.

14 (c) Court Appeal: Any person may appeal a final determination of the Consumer
15 Affairs Hearing Board/Special Master within thirty (30) days of the rendition of the decision
16 by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit
17 in and for Palm Beach County, Florida.

18 (d) For purposes of appeal, the FDLE Criminal History Records Reports and
19 the State of Florida Department of Highway Safety and Motor Vehicles traffic driving
20 record report shall be deemed prima facie evidence and admitted into evidence before the
21 Consumer Affairs Hearing Board/Special Master.

22 (3) All hearings and appeals shall be scheduled and determined as promptly as
23 practicable and in no event more than sixty (60) days from the date the written notice of
24 appeal was filed. Written notice of the time, date, and place of the hearing of the appeal
25 shall be served upon the appellant no later than twenty (20) days prior to the date of the
26 hearing. Said notice of hearing, shall be by personal service, certified mail or posting in
27 a conspicuous place at the place of business or home of the driver or person. Failure of
28 the business to respond within the time frames specified herein or failure to appear at a
29 duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of
30 the acts specified in the notice.

1 (4) The Consumer Affairs Hearing Board Special Master shall consider the evidence
2 and documentation as well as the statement offered by any interested party and shall
3 consider the matter de novo and shall, upon the basis of the evidence before it, affirm,
4 modify or reverse the decision of the Director.

5 (5) If the Consumer Affairs Hearing Board/Special Master affirms the decision of the
6 Director to deny, suspend or revoke a business permit driver's I.D. badge, the denial,
7 suspension or revocation shall be effective from the date of the Consumer Affairs
8 Hearing Board's Special Master's written order. All decisions of the Consumer Affairs
9 Hearing Board/Special Master shall constitute final agency action for purposes of further
10 appeal.

11 (6) Suspension of the Business Permit driver's I.D. badge: If, at the conclusion of the
12 hearing, the Consumer Affairs Hearing Board Special Master decides to suspend the
13 Business Permit driver's I.D. badge, a time certain shall be set as the period of
14 suspension. Prior to the end of such time certain, those violations for which the
15 suspension was imposed shall be corrected; otherwise, the suspended permit(s) shall be
16 automatically revoked. A fee of fifty percent (50%) of the business permit driver's I.D.
17 badge fee shall be collected to reinstate the suspended permit(s)/driver's I.D. badge.

18 (7) Revocation of Business Permit driver's I.D. badge: If, at the conclusion of the
19 hearing, the Consumer Affairs Hearing Board Special Master decides to revoke the
20 business permit/driver's I.D. badge, the business/driver shall return the business permit
21 and or the driver's I.D. badge/placard and remove and return all vehicle decals to the
22 Division. A vehicle for hire company or driver whose business permit driver's I.D. badge
23 has been revoked, shall not be eligible to reapply as a new applicant for a period of one
24 (1) year from the date of revocation.

25 (8) If the Consumer Affairs Hearing Board/Special Master reverses the decision of
26 the Director, the Director shall issue or restore the business permit/driver's I.D. badge.

27 (9) When the operating permit of a vehicle for hire company has been denied,
28 suspended or revoked, all vehicle for hire services shall immediately cease.

29 (10) In the event a written notice of appeal and accompanying filing fees are not
30 submitted within the times frames outlined in this Ordinance, the decision of the Director

1 shall prevail.

2 (11) Administrative Appeal – Insurance. When an operating permit has been
3 suspended or revoked for failure of the vehicle for hire business to obtain or maintain
4 required commercial liability insurance and the business wishes to appeal the
5 suspension/revocation, the vehicle for hire company may appeal such decision to the
6 Consumer Affairs Hearing Board/Special Master within 5 days of receipt of the decision.
7 The appeal shall be heard by the Consumer Affairs Hearing Board/Special Master within
8 10 days of receipt of the written appeal. A non-refundable filing fee must accompany the
9 written request for appeal. The filing fee shall be established by resolution of the Board.

10 (12) Effect of Appeal: An appeal of the decision of the Director to suspend or revoke
11 a business permit/driver's I.D. badge shall stay the effective date of the suspension or
12 revocation. A stay does not apply to a revocation or suspension of a business which
13 failed to maintain commercial liability insurance as required by Section 16.

14 (13) Hearing Procedures. Notwithstanding Section 11 A of Palm Beach County
15 Consumer Affairs Ordinance 77-10 (as may be amended from time to time), the
16 Consumer Affairs Hearing Board/Special Master shall give due regard to competent,
17 reliable and technical evidence which will aid the Consumer Affairs Hearing
18 Board Special Master in making a fair determination of the matter, regardless of the
19 existence of any common law or statutory rule which might otherwise make improper the
20 admission of such evidence. All parties shall have an opportunity to present evidence and
21 argument on all issues involved, to conduct cross examination and submit rebuttal
22 evidence, and to be represented by counsel.

23
24 When appropriate, the general public may be given an opportunity to present oral or
25 written communications. The Consumer Affairs Hearing Board/Special Master may
26 consider any evidence, including evidence of the general reputation of the petitioner.
27 All testimony shall be under oath and shall be recorded. Formal rules of evidence shall
28 not apply, but fundamental due process shall be observed and shall govern the
29 proceedings. Irrelevant, immaterial or unduly repetitious evidence may be excluded but
30 all the other evidence of a type commonly relied upon by reasonably prudent persons in
31 the conduct of their affairs shall be admissible, (including hearsay) whether or not such
32 evidence would be admissible in a trial in the courts of Florida. Orders of the Consumer
33 Affairs Hearing Board/Special Master shall be based on competent and substantial

1 evidence. The petitioner shall have the burden of proof by a preponderance of the
2 evidence.

3 4 **Section 20. Enforcement**

5
6 (1) Any violation of this Ordinance is a civil infraction.

7 (2) Any person who has committed an act in violation of this Ordinance shall receive
8 a citation from the Division or any law enforcement officer who has probable cause to
9 believe that the person has committed a civil infraction in violation of this Ordinance.

10 (3) The county court shall have jurisdiction over all violations of this
11 Ordinance.

12 (4) The county clerk shall:

13 (a) Accept designated fines and issue receipts therefore;

14 (b) Provide a uniform citation form serially numbered for notifying alleged
15 violators to appear and answer to charges of violation of this Ordinance. Such citation
16 forms shall be issued to and receipted by the Division.

17 (5) Violation of any provision of this Ordinance shall be punishable by a fine not to
18 exceed Five Hundred dollars (\$500.00). Any person who has violated any provision of
19 this Ordinance shall be fined an amount as established by resolution of the Board.

20 (6) Any person issued a citation shall be deemed to be charged with a civil violation
21 and shall comply with the directives on the citation.

22 (7) Payment shall be made, either by mail or in person, to the Violations Bureau
23 within the time specified on the citation. If a person follows this procedure, s he shall be
24 deemed to have admitted the infraction and to have waived his/her right to a hearing on
25 the issue of commission of the infraction.

26 (8) All fines collected as a result of said citations (except those fines collected as a
27 result of citations issued by municipal law enforcement officers, which shall be remitted
28 by the Clerk of the Court directly to the municipality issuing the citation) shall be paid
29 into the County Treasury and deposited into the general fund for the Division and used
30 for the vehicle for hire program. Pursuant to Florida Statutes 938.01, 938.17 and 938.19,
31 mandatory costs shall be assessed against every person convicted of a violation of this
32 Ordinance.

33 (9) Any person who fails to make payment within the specified period shall be
34 deemed to have waived his/her right to pay the civil penalty as set forth in the citation.

35 (10) Any person who elects to appear before the court to contest the citation shall be

1 deemed to have waived his/her right to pay the civil penalty. The court, after a hearing,
2 shall make a determination as to whether a violation has occurred and may impose a civil
3 penalty not to exceed Five Hundred dollars (\$500.00) plus court costs.

4 (11) If a person fails to pay the civil penalty, or fails to appear in court to contest the
5 citation, s/he shall be deemed to have waived his/her right to contest the citation; and in
6 such case, a default judgment may be entered and the judge shall impose a fine at that
7 time. An order to show cause may be issued. If the fine is paid, the case shall be
8 dismissed. If the fine is not paid, judgment may be entered up to the maximum civil
9 penalty.

10 (12) Any person cited for an infraction under this Ordinance shall sign and accept the
11 citation indicating a promise to pay the fine or appear in court. Any person who willfully
12 refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor
13 of the second degree, punishable as provided by Florida Statutes 775.082 or 775.083.

14 (13) The Division may require mandatory court appearances for violations resulting in
15 the issuance of a third or subsequent citation to a person. The citation shall clearly inform
16 the person of the mandatory court appearance. The Division shall maintain records to
17 prove the number of citations issued to the person. Persons required to appear in court do
18 not have the option of paying the fine instead of appearing in court.

19 (14) Failure to comply with the requirements of this Ordinance shall constitute a
20 violation of a County Ordinance, and shall be punishable, upon conviction, pursuant to
21 Section 125.69(1), Florida Statutes, by a fine not to exceed Five Hundred dollars
22 (\$500.00) per violation or imprisonment not exceeding sixty (60) days, or both such fine
23 and imprisonment. Each permit I. D. badge not in compliance and each day in which a
24 violation of this Ordinance exists shall constitute a separate offense. In addition to the
25 sanctions contained herein, the County shall take any other appropriate legal action,
26 including, but not limited to, administrative action, enforcement through an alternative
27 code enforcement Ordinance pursuant to Section 162, Parts I and II, Florida Statutes and
28 requests for temporary and permanent injunctions to enforce the provisions of this
29 Ordinance. It is the purpose of this Ordinance to provide additional cumulative remedies.

30 31 **Section 21. Violations**

32 (1) False Statements on Applications. It shall be unlawful for any person to
33 knowingly and intentionally make or cause to be made any false statement in writing or
34 the omission of material information for the purpose of procuring a vehicle for hire

1 permit, vehicle decal or driver's I.D. badge or to knowingly and intentionally make any
2 false statements or entries or material omissions on the records required to be kept by this
3 Ordinance.

4 (2) Failure to comply with the provisions of this Section may result in the Division
5 denying a permit(s)/Driver's I. D. badge, revoking or suspending ~~of~~ the
6 permit(s)/Driver's I. D. badge, denying the renewal of such permits, issuing a civil
7 citation, a misdemeanor conviction or other such remedies available to the Division
8 herein.

9 10 **Section 22. Appeals**

11 Any person may appeal a final determination of the Consumer Affairs Hearing Board
12 Special Master within thirty (30) days of the rendition of the decision by filing a notice of
13 administrative appeal in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm
14 Beach County, Florida.

15 16 **Section 23. Fees**

17 All fees required by this Ordinance and established by resolution are non-refundable and
18 shall be deposited in a separate County account and used exclusively to accomplish the
19 purposes of this Ordinance.

20 21 **Section 24. Penalties**

22 Any person convicted of violating any portion of this Ordinance shall be punished as
23 provided by law.

24 25 **Section 25. Start-up**

26 (1) Renewal of existing permitted vehicle for hire companies and vehicle decals shall
27 become effective March 1, 2009. Renewal applications for the licensing period which
28 begins March 1, 2009 must be submitted to the Division by December 31, 2008. Late
29 fees for renewal applications will apply as of January 1, 2009. Enforcement of all other
30 sections of the Ordinance, unless excluded in this section, shall become effective upon
31 the effective date of this Ordinance.

32 (2) Vehicles being used and decaled prior to the effective date of this Ordinance must
33 comply with the age, color scheme and signage requirements for four (4) inch letters and
34 unique /decaled numbers when permit applications or renewals are submitted for the

1 permit year which begins January 1, 2010.

2 (3) After March 1, 2009 new vehicles added to the fleet of existing permitted
3 companies or newly permitted companies will be subject to all requirements of this
4 Ordinance.

5 (4) The Mechanical/Safety Inspection requirements of Section 15 shall not be
6 required until application renewals are submitted for the permit year which begins
7 January 1, 2010. After March 1, 2009 all new or replacement vehicles added to existing
8 fleets of currently permitted companies or from newly permitted companies shall be
9 required to meet the Mechanical/Safety Inspection requirements.

10
11 **Section 26. Repeal of Laws in Conflict**

12 All local laws and ordinances applying to the unincorporated area of Palm Beach County
13 in conflict with any provision of this Ordinance are hereby repealed to the extent of any
14 conflict.

15
16 **Section 27. Savings Clause**

17 Notwithstanding Section 26 regarding repeal of laws in conflict, all administrative and
18 court orders, fines, and pending enforcement issued pursuant to this authority and
19 procedures established by Ordinance No. 2001-15 shall remain in full force and effect.

20
21 **Section 28. Jurisdiction**

22 This Ordinance shall be effective throughout the unincorporated areas of the County.
23 This Ordinance shall be effective in municipalities unless the municipality opts out or
24 shall be effective up to the extent of conflict with the municipal ordinance.

25
26 **Section 29. Severability**

27 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
28 reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the
29 Board of County Commissioners that such holding shall not affect the remainder of this
30 Ordinance.

31
32
33
34 **Section 30. Inclusion in the Code of Laws and Ordinances**

1 The provisions of this Ordinance shall become and be made a part of the code of laws
2 and ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
3 renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed
4 to "section", "article", or any other appropriate word.

5

6 **Section 31. Effective Date**

7 The provisions of this Ordinance shall become effective upon filing with the Department
8 of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County.
on the 23rd day of September, 2008.

SHARON R. BOCK,
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Judith C. Casper
Deputy Clerk

By: Addie L. Greene
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY ★

By: [Signature]
County Attorney

EFFECTIVE DATE: September 29, 2008

Filed with the Department of State on the 29th day of September, 2008.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on September 23, 2008
dated at West Palm Beach, Florida 10/7/08
By: Diane Brown
Deputy Clerk